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SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
DIRECTOR	24223	IG-10525-05

THRU: D/DIR ✓, D SECRETARIAT ____

ACTION: [ ] APPROVAL [X] SIGNATURE [ ] INFORMATION

EXREG SUSPENSE:

KCC SUSPENSE:

ELEMENT SUSPENSE:

SUBJECT: (U//~~FOUO~~) Quarterly Report to the Intelligence Oversight Board on NSA Activities—Third Quarter FY05

DISTRIBUTION

SUMMARY

PURPOSE: (U//~~FOUO~~) To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: (U//~~FOUO~~) Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. The enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. The Director's signature signifies that no other activities that require reporting are known to him.

RECOMMENDATION: (U) Director sign the enclosed memorandum.

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

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(b)(3)-P.L. 86-36

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
GC	Robert L. Deitz	5548s	Daj		963-3201
AGC(O)		3121s			
IG	Joel F. Brenner	3544s			
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AIG(IO)		3544s			

ORIGINATOR	ORG	PHONE (Secure)	DATE PREPARED
	D11	963-2984	4 August 2005

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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

22 August 2005

3QFY05

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 30 June 2005 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER
Inspector General

for ROBERT L. DEITZ
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report with NSA/CSS Policy 1-23

This Memorandum is Unclassified Upon Removal of Enclosure

DERIVED FROM: NSA/CSSPM 1-52
DATED: 23NOV04
DECLASSIFY ON: 20291123

1. (U) INSPECTOR GENERAL ACTIVITIES

a. ~~(C//SI)~~ During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (EOs), Attorney General (AG) procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. (U//~~FOUO~~) Along with inspectors from the [redacted] (b)(3)-P.L. 86-36 [redacted] the NSA OIG completed a joint inspection of the [redacted] The inspection team found that some personnel who did not have access to the Sensitive Compartmented Information Facility (SCIF) had not received initial intelligence oversight training. NSA OIG will monitor this deficiency through correction.

c. (U//~~FOUO~~) The OIG conducted an inspection of the NSA/CSS Representative Pacific (NCRPAC). Three Intelligence Oversight (IO) training weaknesses were documented and quickly rectified. USSID SP0018 (formerly USSID 18) training was added to the training program, recording keeping was automated and the web-based training was standardized for all NCPAC divisions.

d. (U//~~FOUO~~) A special study of the NSA/CSS [redacted] revealed deficient training accountability. Only 61% of the [redacted] workforce had received the required IO training in 2004, and as of the study publication, training compliance has risen to 84% for 2005. The [redacted] lacks a formal tracking and follow-up system to ensure 100% training compliance. NSA OIG will monitor this deficiency through correction. (b)(3)-P.L. 86-36

e. (U//~~FOUO~~) A follow-up inspection of the [redacted] and NSA/CSS Representative [redacted] found that the training and documentation weaknesses cited in our 13 September 2004 report have been strengthened. Training and documentation procedures have been standardized and managed by an appointed IO Program Manager.

Derived From: NSA/CSSM 1-52
Dated: 20041123
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2. (U) GENERAL COUNSEL ACTIVITIES

~~(C//SI)~~ The NSA Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EOs, AG procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons (USP); the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment; and the applicability of the Foreign Intelligence Surveillance Act (FISA). With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

3. (U) SIGINT ACTIVITIES

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

a. ~~(S//SI)~~ Collection Against U.S. Persons

(1) (U) Intentional

a. ~~(TS//SI)~~ During this quarter, the Director of the National Security Agency (DIRNSA) granted approval for consensual collection against [redacted] U.S. persons. (b)(1) (b)(3)-P.L. 86-36 DIRNSA also approved non-consensual collection of [redacted] U.S. companies [redacted] U.S. Citizens held captive [redacted] The DIRNSA-approved consensual collection against [redacted] U.S. persons was routinely terminated this quarter.

b. ~~(S//SI)~~ The AG granted authority to collect the communications of [redacted] U.S. persons during this quarter.

(b)(1)
(b)(3)-P.L. 86-36

(2) (U) Unintentional

a. ~~(S//SI//NF)~~ This quarter, there were [redacted] instances in which analysts inadvertently collected against U. S. persons while pursuing foreign intelligence tasking. All of the incidents were reported to responsible oversight officials; and

corrective actions were taken. With one exception noted below, all unauthorized traffic collected has been destroyed.

(b)(1) (b)(3)-P.L. 86-36

[1] (U//~~FOUO~~) There were [ ] instances of inappropriate tasking.

a. ~~(TS//SI)~~ An investigation into the delay in database selection term detasking is ongoing. [ ] division notified the [ ] that while collecting on an authorized target, [ ] communicants were recognized to be U.S. persons. The termination of the selectors associated with the U.S. persons was directed, but the detasking of the selectors [ ] when the error was discovered. At that time, the selection terms were removed and the collection was terminated. Some of the communications collected [ ] contain [ ] A [ ] The OIG will report the investigation outcome upon completion.

(b)(1) (b)(3)-P.L. 86-36

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

b. ~~(S//SI)~~ A foreign target entered and remained in the United States for three days before tasking was completely terminated. [ ] tasking was removed from [ ] No collection resulted from the inappropriate targeting.

c. ~~(TS//SI)~~ During an internal review, [ ] (b)(3)-P.L. 86-36 personnel found that a U.S. person who had signed a USSID SP0018 consensual collection request was targeted beyond the authorized tasking period. No collection resulted from the detasking failure. This violation prompted a review of the [ ]

[2] ~~(TS//SI)~~ [ ] OGA (b)(7)(E)

[ ]

[3] ~~(TS//SI)~~ Human error resulted in the continued tasking of an Attorney General authorized counterterrorism target while he was in the United States [ ] Once identified [ ] the telephone number was detasked. No collection occurred and no reports were issued. In response to the violation, [ ]

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

(b)(1) (b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

[redacted]

(b)(1)
(b)(3)-P.L. 86-36

[4] ~~(TS//SI)~~ While tasking was entered against [redacted] were mistakenly entered as search terms. This resulted in the intercept of approximately [redacted] pieces of Digital Network Intelligence (DNI) traffic [redacted] some of which may have contained U.S. person communications. (b)(1) (b)(3)-P.L. 86-36 Tasking was terminated, the [redacted] modified, and the DNI traffic collected was deleted.

[5] (U//~~FOUO~~) A Joint Communications Security (COMSEC) analyst monitored a [redacted] conference call without prior authorization. [redacted] and scheduling information for a conference call. The analyst monitored the conference call without prior approval. The unauthorized collection was discovered [redacted] (b)(3)-P.L. 86-36 and all unauthorized collection data was destroyed.

(b)(1)
(b)(3)-P.L. 86-36

[6] ~~(S//SI)~~ As reported in the 14 March 2005 submission, collection of U.S. person communications occurred after the expiration of the Attorney General's authorization [redacted] An inquiry revealed that [redacted] numbers had been tasked, but at the time of detasking [redacted] The error was found [redacted] when the [redacted] A check of [redacted] at that time revealed the oversight, and [redacted] were detasked immediately. No intercept resulted from the unauthorized tasking.

OGA
(b) (7) (E)

(b)(3)-P.L. 86-36

[7] ~~(S//SI)~~ Poorly designed database queries, [redacted] and typing mistakes, resulted in the collection of U. S. person information in [redacted] instances. In each of the instances, the query was promptly terminated, and all data retrieved was immediately deleted. The analysts involved were counseled and training was mandated for all [redacted] account holders at one site.

(b)(1)
(b)(3)-P.L. 86-36

b. (U//~~FOUO~~) Dissemination of U.S. Identities

(1) (U) Intentional

~~(S//SI)~~ In accordance with section 7 of USSID SP0018, U.S. identities were disseminated [redacted] times during this quarter. The following table shows the justification and the number of instances of dissemination: In the "Unmasked by Analyst" column, the U.S. identity was revealed in a serialized end product; in the

(b)(1)
(b)(3)-P.L. 86-36

"Unmasked at User Request" column, a U.S. identity was released to a user at the user's request.

JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c Necessary			
7.2.c.1 Foreign Official			
7.2.c.3 International Narcotics			
7.2.c.4 Criminal Activity			
7.2.c.7 U.S. Government Official			
TOTAL			

(b)(1)
(b)(3)-P.L. 86-36

(2) (U) Unintentional

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

a. ~~(S//SI)~~ During this quarter, the Signals Intelligence Directorate (SID) cancelled [ ] SIGINT products because they contained the identities of U.S. persons, organizations, or entities; those products that contained information derived from communications of U.S. persons were not reissued.

b. ~~(TS//SI)~~ [ ] released [ ] reports containing the identities of U.S. persons or based on the communications of persons later identified as U.S. persons. In both instances, [ ] cancelled the reports, which were either not reissued or were reissued with the proper minimization.

c. ~~(S//SI//NF)~~ [ ] was involved in receiving and disseminating [ ] reports that contained U.S. person information. At the request [ ] was the conduit to obtain and forward [ ] reports. [ ] analyst failed to screen the reports for U.S. person information as required by NSA/CSS "U.S. Identities in SIGINT". NSA/CSS requested that [ ] cancel the reports and reissue if necessary after minimization. The reports were removed from the NSA/CSS files.

(b)(1)
(b)(3)-P.L. 86-36

(3) (U) Raw Traffic Dissemination — SIGINT Production Chain

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

a. ~~(S//SI)~~ [ ]

(b)(1)
(b)(3)-P.L. 86-36

The SID ensures that the personnel are trained by the OGC on NSA's legal restrictions and on proper handling and dissemination of SIGINT data Such persons working in or with SID during this quarter included representatives of (b)(3)-P.L. 86-36

b. ~~(TS//SI)~~ Unauthorized Access. Personnel assigned to the are (b)(1) (b)(3)-P.L. 86-36 given access to NSA's raw SIGINT databases for the duration of their tenure with employee's access was not suspended when he left the program, and he subsequently used that access while to retrieve database information. The employee's access to the NSA Network, including all databases and tools, has been suspended.

(b)(3)-P.L. 86-36

c. ~~(TS//SI)~~ a collaboration request containing raw traffic was sent to An analyst in the NSA/CSS did not recognize the raw traffic, and learned from the Target Office of Primary Interest (TOPI) that the email contained unminimized data after it had been sent. The immediately contacted to have the email deleted and requested that no further action be taken regarding the request. Training is scheduled to reorient analysts to restrictions on and the handling procedures for handling raw traffic.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

4. (U) Other Activities

(b)(1)
(b)(3)-P.L. 86-36

a. (U//~~FOUO~~) FISA Incidents

(1) ~~(TS//SI//NF)~~ an error resulted in a large influx of NSA authorized and unauthorized data NSA's office was alerted to the error

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

Although the data continues to be sorted, there are no indications that reporting resulted from the collection. [redacted] The OIG will track this incident through completion of the data screening and destruction of the unauthorized information.

(b)(1)
(b)(3)
OGA
(b)(7)(E)

(2) ~~(TS//SI//NF)~~ [redacted] NSA immediately removed the target from [redacted] and the associated [redacted] this action prevented the data from being processed and available to NSA analysts. Through intervention by the NSA OGC, the target was removed from tasking [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

c. (U//~~FOUO~~) Misuse of the U.S. SIGINT System

~~(TS//SI)~~ Local oversight identified the misuse of the U.S. SIGINT System. [redacted] a [redacted] auditor found and reported that an [redacted] analyst abused the NSA collection system [redacted] by conducting [redacted] unauthorized queries against a raw traffic database for personal reasons. NSA/CSS OIG has begun an investigation into the incident, the results of which will be reported upon completion.

(b)(1)
(b)(3)-P.L. 86-36

d. (U) Assistance to Law Enforcement

~~(S//SI)~~ During this quarter, the SID responded to [redacted] requests for analytical, technical, and linguistic assistance from law enforcement or other government agencies, including requests from [redacted] Command.

(b)(1)
(b)(3)-P.L. 86-36

e. (U) Working Aids

(U//~~FOUO~~) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of dissemination authorities on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID SP0018 are also available on-line.